

## REMARKS

Reconsideration and further examination of the subject patent application in light of the Remarks is respectfully requested. Claims 1, 2, 6-13 and 18-30 stand rejected. Claims 3-5 and 15-17 have been objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

### Double Patenting Rejections

Claims 1, 2, 6-8, 12, 13, 18-21, 25-29 and 30 stand rejected on the grounds of nonstatutory obviousness-type double patenting. In response, a terminal disclaimer is included herewith obviating the rejections.

### Rejections under 35 U.S.C. §103

Claims 1, 2, 6-13 and 18-30 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,793,409 to Wickman et al. Applicant respectfully traverses this rejection.

It is noted first that the Examiner admits that Wickman et al. "constitutes prior art only under 35 U.S.C. 102(e)" (Office Action of 4/20/06, page 5). The Examiner also asserts that "This rejection might also be overcome by

showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP §706.02(1)(1) and §706(1)(2)" (Office Action of 4/20/06, paragraph bridging pages 5-6).

35 U.S.C. §103(c)(1) states that "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title [35 USCS § 102], shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person". The common ownership of U.S. Pat. No. 6,793,409 Wickman et al. and the claimed invention is established by the following statement of ownership.

#### STATEMENT OF OWNERSHIP

At the time of the invention of claims 1, 2, 6-13 and 18-30, the application and the Wickman et al. reference were owned by the same person. The assignment of the application to CORONA OPTICAL SYSTEMS, INC. was recorded on 9/15/03 at REEL/FRAME 014516/0420. U.S. Pat. No. 6,793,409 to Wickman et al. was assigned to CORONA OPTICAL SYSTEMS, INC. on 3/22/01 at REEL/FRAME 011646/0240.

In accordance with MPEP §706.02(1)(2)(II), the above Statement of Ownership "is sufficient evidence to establish commoner ownership of, or an obligation for assignment to, the same person(s) or organization(s)". Since common ownership at the time of invention has been established between the application and Wickman et al., Wickman et al. is disqualified as prior art under 35 U.S.C. §103(c). Since Wickman et al. has been disqualified as prior art, the rejections are improper and should be withdrawn.

#### Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

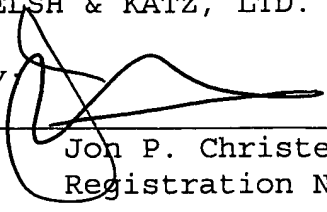
The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount,

unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By



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Date: June 20, 2006

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